IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 173 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/02/2004 in WP NO : 1818 OF 2004 on the file of the High Court.)

Between:

1 Eluri Chandramouli, S/o. Satyanarayana,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
2 Eluri Lakshamaiah, S/o. Venkaiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
3 Eluri Manaharababu, S/o. Veeraiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
4 Eluri Chakraiah, S/o. Venkaiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
5 Kommineni Sambaiah, S/o. Balakotaiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
6 Cherukuri Narasimhaiah, S/o. Peddapichaiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
7 Cherukuri Satyanarayana, S/o. Krishanaiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
8 Cherukuri Sudhakar Rao, S/o. Nagaiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
9 Cherukuri Satyanarayana, S/o. Tirupathaiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
10 Lagadapati Tulisamma, S/o. Appaiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
11 Lagadapati Pushparani, W/o. Dathu,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
12 Tadapaneni Satyanarayana, S/o. Nagaiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
13 Eluri Venkaiah, S/o. Pullaiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
14 Lagadapati Venkaiah, S/o. Rangaiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.
15 Lagadapati Venkaiah, S/o. Janaiah,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.

16 Eluri Venkataramana, S/o. Venkateswarlu,
R/o. Shivapuram Village, Vatsavi Mandal, Krishna District.

..... APPELLANTS

AND

1 The Chief Engineer, Roads and Buildings (Roads) Erramanzel,
Hyderabad.
2 The Superintending Engineer, Roads and Buildings (Roads)

Eluru.
3 The Executive Engineer, Roads and Buildings Division Office,
Near Veterinary Hospital, Labbepet, Vijayawada.
4 The Collector, Krishana Machilipatnam.
5 The Sub-Collector, Vijayawada.

.....RESPONDENTS

Counsel for the Appellants: MR.V.BRAHMAIAH CHOWDARY

Counsel for Respondents 1 to 3:G.P.FOR TRANSPORT

Counsel for the Respondents 4 & 5: GP FOR LAND ACQUISITION

The Court made the following :

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

The writ petition seeking compensation for the land allegedly acquired in the year 1969 was dismissed on the ground of undue delay. Counters have been filed and we have heard learned counsel for the appellants. There is no dispute that the land was taken possession in the year 1969 and was put to use by the State by constructing a road over it. Learned counsel for the appellants-writ petitioners submits that in similar circumstances this Court allowed W.P.No.6324 of 1998 and the respondents were directed to pay the compensation, therefore, same direction should be given to the respondents as the land, which was subject matter of W.P.No.6324 of 1998 was adjacent to the land of the appellants. The case of the respondents is that the petitioners in W.P.No.6324 of 1998 claimed compensation and a notification had been issued under Section 4(1) of the Land Acquisition Act, 1894, in the year 1987. The grievance of the petitioners in that case was that even after notification and taking possession of the land, award had not been passed. Therefore, the learned Single Judge passed an order directing the respondents to pass the award. In the present case, the land was acquired by the State in the year 1969, possession was taken and the land holders had given their consent that they

would not claim any compensation for the land and they had voluntarily surrendered the land. Learned Government Pleader for Land Acquisition submits that this is evident from the fact that although the possession was taken in the year 1969, no grievance was expressed by the appellants in any forum or before the respondents for a period of 34 years. For the first time, a notice was sent on 07-11-2003. It will be difficult for the Court now to come to the conclusion that the land was acquired in the year 1969, without consent of the appellants that they would not insist for the compensation. We do not feel that the learned Single Judge was wrong in dismissing the writ petition. From 1969 till 2003, no complaint whatsoever had been made by the appellants, which suggests that the land had been given voluntarily and compensation was not claimed. For these reasons we do not find merit in the appeal, which is accordingly dismissed. No order as to costs.

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(Bilal Nazki, ACJ)

5th July, 2005

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(G.Chandraiah,J)

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To

1 The Chief Engineer, Roads and Buildings (Roads) Erramanzel, Hyderabad.
2 The Superintending Engineer, Roads and Buildings (Roads)

Eluru.
3 The Executive Engineer, Roads and Buildings Division Office, Near Veterinary Hospital, Labbepet, Vijayawada.
4 The Collector, Krishana Machilipatnam.
5 The Sub-Collector, Vijayawada.

6 Two C.Cs to the G.P. for Land Acquisition, High Court

Buildings, A.P., Hyderabad (OUT)

7 Two C.Cs to the G.P. for Transport, High Court Buildings,

A.P., Hyderabad (OUT)

8 Two C.D copies.